

Application Serial No. 10/573,900

OT-5229

**REMARKS**

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-12 were pending and were rejected in the Office Action. By way of this Amendment, claim 1 has been amended and claims 5, 8 and 12 have been canceled without prejudice or disclaimer. Accordingly, claims 1-4, 6, 7, and 9-11 remain pending for further consideration.

**1. Objection to the Drawings**

The Examiner objected to the drawings for allegedly failing to show the packing material recited in claim 8 and the second electrical contact recited in claim 12 (sic). To obviate this objection, Applicants have opted to cancel claims 8 and 12, without prejudice or disclaimer. Accordingly, a withdrawal of the objection to the drawings is both warranted and respectfully requested.

**2. Rejections of Claims 1-12**

Under 35 U.S.C. § 103(a), the Examiner rejected: (a) claims 1-4, 9, and 10 as allegedly being obvious when considering U.S. Patent No. 483,145 ("Giles") in view of U.S. Patent No. 1,252,737 ("Tanner"); (b) claims 5 and 12 as allegedly being obvious when considering Giles in view of Tanner and further in view of U.S. Patent No. 5,773,771 ("Chatham"); (c) claims 6 and 7 as allegedly being obvious when considering Giles in view of Tanner and further in view of U.S. Patent No. 1,773,163 ("Becker"); (d) claim 8 as allegedly being obvious when considering Giles in view of Tanner and further in view of U.S. Patent No. 4,512,444 ("Koppensteiner"); and (e) claim 11 as allegedly being obvious when considering Giles in view of Tanner and further in view of U.S. Patent No. 6,305,499 ("Jones"). Initially, the aforementioned rejections of claims 5, 8, and 12 are moot due to the cancellation herein of those claims without prejudice or disclaimer. Accordingly, and for at least the following reasons, Applicants respectfully traverse each of the aforementioned rejections of claims 1-4, 6, 7, and 9-11.

As amended herein, claim 1 (*i.e.*, the claim from which claims 2-4, 6, 7, and 9-11 depend) recites the safety device for elevators having no machine room and flexible tension member previously recited in claim 5. This safety device includes, among other possible things (*italic emphasis added*):

an upper median crosspiece forming part of an elevator car support  
arcade;

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an electric contact; and  
at least two rigid rods mounted sliding on the crosspiece and arranged symmetrically with respect to a median traction plane,  
wherein the at least two rigid rods are adapted to move: (a) in an active outgoing position projecting from the crosspiece so as to come opposite and simultaneously in contact with a corresponding stop fixed at an adequate height on a guide rail; and (b) in an inactive incoming position so as to be out of range of the stop,  
wherein the inactive incoming position corresponds to a normal operating mode of the elevator, and  
*wherein the active outgoing position corresponds to a maintenance or inspection mode of the elevator,*  
wherein the electric contact is placed in series with a first control switch that authorizes functioning of the inspection or maintenance mode, and  
*wherein the electric contact is configured to be triggered, when the at least two rigid rods are in the outgoing position, thereby automatically closing the elevator functioning control circuit when the elevator car reaches a predetermined location.*

As hereafter explained Giles fails to teach or suggest at least the above-italicized limitations of claim 1. Moreover, none of Tanner, Chatham, Becker, Koppensteiner, and Jones cures these deficiencies of Giles.

Giles teaches, as the Examiner indicated, an elevator car H, skids G, and bars F. When the conductor of the elevator disclosed in Giles was to land the car H at a landing, the conductor operated a handle A' so as to drive the bars F into the skids G, thereby enabling the car H to rest stably when at the landing. See col. 3, lines 17-44. Giles, however, in no way teaches or suggests that the bars F were to be actuated for a "maintenance or inspection mode of the elevator," as recited in claim 1. Rather, Giles clearly teaches that the bars F were solely to be used during the car's normal operating mode so as to improve the stability of the car H at the landing, thereby enabling passengers to embark/disembark in a more secure fashion. As one of ordinary skill in the art would readily recognize, an elevator car is not in "maintenance or inspection mode" while passengers are embarking/disembarking at landings; such embarkation/disembarkation can only occur during the car's normal operating mode.

Although Chatham teaches a safety device for use during maintenance or inspection mode, the device in Chatham fails to satisfy each of the limitations of the electric contact recited in claim 1. Specifically, although Chatham teaches a switch 68a that is in series with a mode selection switch 51 (col. 6, lines 63-64), the switch 68a is not configured, when two rods are in an outgoing position, to automatically close "the elevator functioning control circuit when the elevator car reaches a predetermined location." Rather, the switch 68a is manually actuated by an operator using a rod 65 when the car in Chatham is in its

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immobilizing location. See Chatham at col. 7, lines 26-31.

In light of the foregoing, Giles fails to teach or suggest at least the above-italicized limitations of claim 1. Moreover, none of Tanner, Chatham, Becker, Koppensteiner, and Jones cures these deficiencies of Giles. Accordingly, a combination of Giles with any one or more of Tanner, Chatham, Becker, Koppensteiner, and/or Jones fails to teach or suggest each of the limitations of claim 1. Accordingly, claim 1, and each claim dependent thereon, is allowable over the combination of Giles, Tanner, Chatham, Becker, Koppensteiner, and/or Jones. Therefore, a withdrawal of the various § 103(a) rejections of claims 1-4, 6, 7, and 9-11 is both appropriate and respectfully solicited.

**CONCLUSION**

In light of the foregoing, claims 1-4, 6, 7, and 9-11 are in condition for allowance. If the Examiner believes that a telephone conference will be useful to move this case forward toward issue, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

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